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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,043	09/03/2003	Roger Kim	203-0005	2042

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EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,043

Applicant(s)

KIM ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,12-14,17-19,21,and 22 is/are rejected.
- 7) ☒ Claim(s) 2,8,10,11,15,16,20,23 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/03, 9/3/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 claims a "second seat" however no first seat is claimed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-7, 9, 12-14, 17-19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sangimino.

Re claim 1, Sangimino discloses a flexible passenger vehicle body capable of being transformed into at least two different classes of vehicle styles, comprising a body shell having front (40) and rear openings (56) and at least one pair of transversely opposed door openings (34), a front panel closing the body shell front opening a pair of door panels closing the body shell door openings, a roof panel including a fixed portion (113) and a movable portion (111), the movable portion having attached thereto a pair of transversely opposed rear pillars (58).

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extending generally downward therefrom to engage the body shell; a back panel (54) coupled to the roof panel movable portion and extending between the rear pillars; a pair of opposing retractable rear side panels (the window associated with the door 34') affixed to the body shell behind the door panels, and a tailgate (124) affixed to the body shell, the tailgate, the retractable rear side panels, the roof panel movable portion and the back panel collectively enclosing the body shell rear opening when the vehicle is in a first body configuration, the front panel, door panels, roof panel, back panel, tailgate and retractable rear side panels defining a fully enclosed passenger space and cargo area within the body shell in the first body configuration when the roof panel movable portion is in a first position, the front panel, door panels, roof panel and back panel defining a contracted enclosed passenger space in a second body configuration when the roof panel movable portion is in a second position, thereby creating an open cargo area behind the contracted enclosed passenger space (see figures 10 and 1).

Re claim 3, a trunk panel (124) is configured to cooperate with the tailgate and the body shell in a third body configuration, thereby creating a closed cargo area behind the contracted enclosed passenger space.

Re claim 4, the retractable rear side panels include rear side windows (90), the rear side windows being retractable into the body shell.

Re claim 5, a movable side trim panel (88) is disposed adjacent the roof panel, the movable side trim panel being movable between a first position and a second position (see

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figures 3 and 6), the second position facilitating transformation of the vehicle body from the first body configuration to the second body configuration.

Re claim 6, a garnish panel (88) is provided, the garnish panel being in a first position (as in figure 6) when the vehicle body is in the first body configuration and a third position (as in figure 3) when the vehicle body is in the second body configuration, the garnish panel further being movable to a second position (as in figure 5), thereby facilitating transformation of the vehicle body between the first body configuration and the second body configuration.

Re claim 7, the open cargo area includes a load floor (119), and wherein the tailgate in an open position forms a portion of the load floor.

Re claim 9, Sangimino discloses a vehicle, comprising a transformable vehicle body including first and second opposing door panels (34), a roof panel, including a fixed portion (113) and a movable portion (111), a back panel (54) attached to the roof panel movable portion, and first and second retractable rear side panels (the window associated with the door 34') disposed rearward the door panels, the transformable vehicle body having at least a first body configuration (as seen in figure 10) and a second body configuration (as seen in figure 1), the first body configuration including the retractable rear side panels and the roof panel movable portion each in an extended position, the first body configuration at least partially defining a first passenger compartment, the second body configuration including the retractable rear side panels and the roof panel movable portion each in a retracted position, the second body

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configuration at least partially defining a second passenger compartment and an open cargo area, the second passenger compartment being smaller than the first passenger compartment and at least partially separated from the open cargo area by the back panel.

Re claim 12, the retractable rear side panels include rear side windows, the rear side windows being retractable into the vehicle body.

Re claim 13, a movable side trim panel (see figure 6) is disposed adjacent the roof panel, the movable side trim panel being movable between a first position and a second position (see figure 3), the second position facilitating transformation of the vehicle body from the first body configuration to the second body configuration.

Re claim 14, a garnish panel (88) is provided, the garnish panel being in a first position (as in figure 6) when the vehicle body is in the first body configuration and a third position (as in figure 3) when the vehicle body is in the second body configuration, the garnish panel further being movable to a second position (as in figure 5), thereby facilitating transformation of the vehicle body between the first body configuration and the second body configuration.

Re claim 17, a tailgate (121) has an open position and a closed position, the tailgate in the closed position being configured to cooperate with the back panel in the first body configuration to partially define the first passenger compartment, the tailgate being further configured to partially define the open cargo area in the second body configuration.

Re claim 18, a trunk panel (124) is configured to cooperate with the tailgate in a third body configuration, thereby partially defining a closed cargo area behind the contracted enclosed passenger space.

Re claim 19, the open cargo area includes a load floor (119), and wherein the tailgate in the open position forms a portion of the load floor.

Re claim 21, a second seat (138) is provided, the second seat having a first position for seating a vehicle occupant, and a second position for forming a portion of the load floor.

Allowable Subject Matter

5. Claims 2, 8, 10, 11, 15, 16, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 23 and 24 are allowed.

Conclusion

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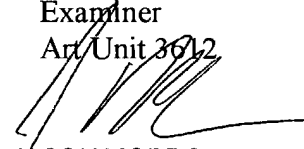
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Gaillard '622, Martin et al., and de Gaillard '135 disclose transformable vehicle bodies.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 21, 2004

Jason S. Morrow
Examiner
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JASON MORROW
PRIMARY PATENT EXAMINER

7/22/04